

Gordon & ReesLLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

STEPHANIE B. BRADSHAW (SBN: 170757)
ALYSON CABRERA (SBN: 222717)
GORDON & REES LLP
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 986-5900
Facsimile: (415) 986-8054

Attorneys for Defendants
MERRITT COLLEGE
and SHIRLEY MACK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH SANTOS

Plaintiff,

vs.

MERRITT COLLEGE, SHIRLEY MACK, an
individual and DOES 1-10, inclusive,

Defendants.

) CASE NO. C 07 5227 EMC

) **[PROPOSED] ORDER GRANTING**
) **DEFENDANTS' MOTION TO**
) **DISMISS PLAINTIFF'S FIRST**
) **AMENDED COMPLAINT**

This matter came on regularly for hearing on Wednesday, December 12, 2007 at 10:30 a.m. in Courtroom C located at 450 Golden Gate Avenue, San Francisco, California. Alyson Cabrera of Gordon & Rees LLP appeared on behalf of Defendants MERRITT COLLEGE and SHIRLEY MACK, and Kjell C. Bomark-Noel appeared on behalf of Plaintiff ELIZABETH SANTOS.

Having considered the moving, opposition and reply papers, and argument of counsel at the hearing, and good cause appearing, the Court hereby GRANTS Defendants' Motion to Dismiss Plaintiff's First Amended Complaint pursuant to Federal Rule of Civil procedure 12(b)(6) for failure to state a claim upon which relief can be granted. Accordingly, the Court

1 hereby DISMISSES WITH PREJUDICE, Plaintiff's claims for: 1) violation of FEHA; 2) failure
2 to prevent, investigate and remedy harassment in violation of Section 1981; 3) age discrimination
3 in violation of Section 1981; 4) race discrimination in violation of Section 1981; 5) negligent
4 misrepresentation; 6) breach of implied-in-fact contract and 7) intentional infliction of emotional
5 distress.

6 IT IS SO ORDERED.

7
8 Dated:

9 JUDGE OF THE U.S. DISTRICT COURT
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Gordon & ReesLLP
275 Battery Street, Suite 2000
San Francisco, CA 94111